IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 7730 of 2006(T)

PETITIONER:

A.NIZAMUDEEN, PROPRIETOR,
UNION CASHEW COMPANY, KARICODU, KOLLAM-5,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
BADARUDHEEN, S/O.IBRAHIM KUTTY, FOUZIYA MANZIL,
TKMC P.O., KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

S.MUHAMMED KUNJU, CHAVIRIKKAL
KIZHAKKETHIL, KALLUMTHAZHAM P.O.,
KILIKOLLOOR.

BY ADV. SRI.N.DHARMADAN (SR.)
SRI.M.R.SABU
SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.7730/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF C.M.P.NO.148/2005 IN I.D.NO.97/1998 ON THE FILE OF THE LABOUR COURT, KOLLAM TOGETHER WITH AFFIDAVIT FILED IN SUPPORT THEREOF DATED 1.8.2005.

EXT.P2: TRUE COPY OF THE REPORT FILED BY FINGER PRINT AND HANDWRITING ANALYSIS BUREAU, CALICUT, DATED 10.11.2005.

EXT.P3: TRUE COPY OF C.M.P.NO.21/2006 IN I.D.NO.97/1998 ON THE FILE OF THE LABOUR COURT, KOLLAM TOGETHER with the SUPPORTING AFFIDAVIT THEREOF DATED 4.2.2006.

EXT.P4: TRUE COPY OF THE ORDER ON C.M.P.NO.20/2006 IN I.D.NO.97/1998 ON THE FILE OF THE LABOUR COURT, KOLLAM DATED 7.2.2006.

EXT.P5: TRUE COPY OF THE ORDER ON C.M.P.NO.21/2006 IN I.D.NO.97/1998 ON THE FILE OF THE LABOUR COURT, KOLLAM DATED 7.2.2006.

//TRUE COPY//

P.A. TO JUDGE

K.BALAKRISHNAN NAIR, J.

WP(C).No.7730 of 2006-T

Dated this the 14th day of February, 2007.

JUDGMENT

The petitioner challenges Exts.P4 and P5 orders passed by the Labour Court, Kollam on two civil miscellaneous petitions filed by the petitioner herein. The petitioner is the management and the respondent is the workman concerned in the industrial dispute pending before the Labour Court. According to the petitioner, those orders are illegal and perverse and therefore, this court should interfere with them.

2. I heard the learned counsel appearing for the respondent also.

3. During the course of adjudication proceedings, the Labour Court may pass certain orders which may be adverse to the management or to the workman. But, they cannot be permitted to challenge it before this court, during the pendency of the adjudication proceedings. Normally, they have to wait till the final outcome of the adjudication. If the order becomes against them, they can challenge that order. While challenging that order, they can raise the illegalities committed by the Labour Court during the course of adjudication proceedings. (See the decision in D.P.Maheshwari Vs. Delhi Administration (1983

(4) SCC 293, the relevant portion of the said judgment reads as follows:

In view of the above principle laid down by the Apex Court, this Writ Petition is not maintainable. Accordingly, it is dismissed without prejudice to the contentions of the petitioner. The Labour Court shall endevour to pass final orders in the matter as expeditiously as possible.

K.BALAKRISHNAN NAIR,
JUDGE.

MS